

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

KEVIN RELEFORD,

Plaintiff,

v.

FOUR B CORP. d/b/a PRICE CHOPPER,

Defendant.

Case No. 4:21-cv-15

NOTICE OF REMOVAL

COMES NOW the defendant, Four B Corp. d/b/a Price Chopper, and pursuant to 28 U.S.C. §§ 1441 and 1446, hereby removes the above-captioned and numbered cause to the United States District Court for the Western District of Missouri. In support of said removal, Defendant states:

1. The Petition for Damages filed by plaintiff Releford against defendant Four B Corp. in the Circuit Court of Jackson County, Missouri, is attached as Exhibit “A” hereto.

2. On behalf of the Defendant, the undersigned defense counsel agreed to accept service of Plaintiff’s lawsuit by email. He entered his appearance on behalf of defendant on June 9, 2020, which constitutes acknowledgment of service of process. See Exhibit “B” attached hereto. Defendant’s Answer to Plaintiff’s Petition was timely filed on June 18, 2020. See Exhibit “C” attached hereto.

3. Plaintiff’s Petition states that he is an individual residing in Kansas City, Wyandotte County, Kansas. Plaintiff’s Petition, Ex. “A”, at ¶ 1. Defendant Four B Corp. is a Kansas corporation and is therefore considered a citizen of that state under 28 U.S.C. § 1332(a).

4. On June 18, 2020, Defendant propounded opening written discovery to Plaintiff. See Exhibit “D” attached hereto. On December 10, 2020, Plaintiff’s responded to Defendant’s discovery. See Exhibit “E” attached hereto.

5. In his responses to Defendant’s interrogatory no. 2, Plaintiff states that his current address is in Akron, Ohio, and prior to that he lived in Kansas City, Missouri. He makes no mention of residing in Kansas. See Exhibit “F” attached hereto.

6. As mentioned, Plaintiff did not respond to Defendant’s written discovery until December 10, 2020. These responses are the first indication Plaintiff provided to Defendant that, contrary to what is stated in his Petition, he does not live in Kansas. Thus, this removal has been timely filed, as it is within 30 days of the date Plaintiff clarified his residency.

7. Prior to litigation Plaintiff demanded \$150,000.00 in settlement of his claim. See Exhibit “G” attached hereto. Thus, the \$75,000 jurisdictional threshold set forth in 28 U.S.C. § 1332(a) appears to be met.

8. This Court has jurisdiction over the matter pursuant to 28 U.S.C. § 1332(a), Diversity of Citizenship, and pursuant to 28 U.S.C. § 1446 because removal has been timely made.

WHEREFORE defendant Four B Corp. hereby removes this matter to the United States District Court for the Western District of Missouri.

Respectfully submitted,

LUDER & WEIST, LLC

By: /s/ Robert J. Luder

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**ATTORNEYS FOR DEFENDANT
FOUR B CORP. d/b/a PRICE CHOPPER**

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of January, 2021, I caused to be electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and sent notification of such filing to the following:

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